Sectt. H.27—40,006—20-12-38.

Dec (1939) Department.

III SERIES.

G.O. No. 1125

Dated 1-5-1939

[Despatch Abstract.]

Forests - Establishment - Sri B. Shiva Rao - late typist District Forest office Mangalore South - retention beyond the date of abolition of post - Orders passed.

C.F. 30.

Forest **DEPARTMENT.**

Received 23 MAR 1939 19 *Registered* Dev 8543 I 19
23-3-39

Subject.

ESTABLISHMENT -

Sri B.Shiva Rao, late typist of the District Forest Office, Mangalore South Division - Retention beyond the date of abolition of the post.

ENCLOSURES.
No.
Spare copies

Reference No. 7028-38-C2.

Station Madras, *Dated the* 21st March 1939.

From (Name) C.C. Wilson Esq., I.F.S.,
(Designation) Chief Conservator of Forests.

To The Secretary to the Government of Madras,
Development Department.

Sir,

(N)

Ref: G.O.No.Ms.2108, Development, dated the 27th August 1938.

Consequent on the amalgamation of the two Mangalore Divisions, with effect from the 1st September 1938, a post of typist, among others, was abolished in paragraph 3 of the G.O. quoted above. As there was no permanent vacancy in the Ootacamund Circle in which to absorb the typist, the other Conservators and the Collector of South Kanara were addressed to provide him with a permanent vacancy

vacancy, if possible. The attempt, however, proved futile. The Conservator, Ootacamund Circle, was instructed to discharge the typist, Sri B. Shiva Rao, in accordance with the provisions in the Madras Reductions in the Cadres of Services Rules, 1934. On the 21st October 1938, the District Forest Officer, South Kanara, issued the three months notice of discharge prescribed in Article 436, Civil Service Regulations, and the typist actually received the notice on the 24th October 1938.

2. In the meantime, the typist having applied for leave, the District Forest Officer, Mangalore South, granted him leave on average pay for three months from the 1st September 1938.

3. This leave ended on the afternoon of 30th November 1938, but in view of the three months notice of discharge served on him on the 24th October 1938, the typist could not be discharged on the 1st December 1938, but had to be retained in service until the afternoon of the 23rd January 1939. He was, however, recalled to duty and posted to a leave vacancy of typist in the District Forest Office, South Kanara, with effect from the 27th December 1938, the intervening period from the 1st to the 26th December 1938 being treated as an extension of leave on average pay. On the expiry of the three months notice, the typist was discharged with effect from the forenoon of the 24th January 1939.

4. The post was abolished on the 1st September 1938, and in the ordinary course, the incumbent should immediately have

have been served with a notice of discharge, and actually discharged three months later. But in the attempt to absorb him in a permanent vacancy in this department or in any of the offices under the control of the Colledtor of South Kanara, the full implications of the rules and the need for the issue of an immediate notice of discharge were missed.

5. The typist was eligible for the 3 months and 26 days leave actually taken, the total leave at his credit being 1 year 3 months and 9 days on average pay without medical certificate and 1 year 8 months and 4 days of other leave.

6. In the circumstances, I request that Government be pleased to sanction the retention of the post of typist upto the afternoon of the 23rd January 1939.

22. 3. 39.

for Chief Conservator of Forests.

oav.
21.3
24.3.39

4

Dev. Deptt.

C.No. 8543 I/39

Establishment - Sri B. Shiva Rao, late Typist D.F. Office Mangalore South Div. -- retention beyond the date of abolition of post.

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pp 1-3 C/f From the C.C.F. Ref. No. 7028-38-C2 Dt 21-3-39

To A.S

Please see the C.C's letter in the cf. As observed by him in para 2 of his letter, notice of discharge under Rule 36 C.S.R. should have been served on the typist on or before 1-9-1938, when the post was ordered to be abolished, in spite of the fact that he was granted leave.

p 117 C/f Note 2 (not pr'd.)

There was no objection, during the period of notice of 3 months, to attempt to absorb him in a permanent vacancy in the Forest Deptt or in any of the offices under the control of the Collector of South Kanara. If the attempt was futile, as it proved to be, he should have been discharged on 1-12-1938 after the expiry of the notice time. The initial mistake lay in not serving the notice of discharge on the typist on 1-9-1938 for which the explanation appears hardly satisfactory. But it seems that there is no other left open than to approve the C.C's

5 2

proposal to sanction the retention of the post
till the end of 23-1-1939 (i.e.) till the expiry
of the notice time.

The remarks of Fin. may be invited.

The proposal of the Collr. may be accepted. 28.1.39. || A

Sd/ 29/3/39. The C.E. should report whether the officer in Trichy (entitled to Home Station Allowance) got discharge order to him immediately on receipt of orders. After the Service notice, attempts could have been made to absorb him elsewhere. || B || uno 31/3/

|| Quite so. The C.C. realised this (see para 4 of his letter). uno 31/3/

RR 30/3/39 uno 31/3/39

Fin.

Dev. No 8543 I/39-1
31-3-39

Finance (E II)

Please see pages 1-3 C.F.

The proposal of Dev. at A above may be agreed to in Finance. Apparently, there was a similar remissness in respect of the other staff mentioned at A a f. 2 of Cp 2108 Dev d. 27.8.38, but it was found possible to absorb them. Development may be requested to call for

ASSISTANT SECRETARY TO GOVERNMENT
-1 APR 1939
FINANCE DEPT.

|| A || N DS Dev (N)

vrrs 11.4.39. Cp 12.4.39

|| Through Fin (accts) JRRV 12.4.39

1247 & 17

D / 3X (as proposed at D on p. 5 above)
for a report in respect of the others also.

CS
12/4/39

DS
DES

17.4.39

DES.

Fin 12434 Ed-1
18.4.39

Dev 10931 I
18.4.39

Dev. Deptt.

To AS.

Please see the Fin. Deptt. note above. Fin's presumption at 'N' on P.2 ante may not be correct as there might have been no necessity to serve notice of discharge on the other subordinates ~~[illegible]~~ officiating men might have been reverted & permanent men transferred to other places ousting acting men there. The C.C.'s report may, however, be called for.

A draft order is submitted for approval.

27.4.39.

DES
27/4/39

RR
28/4/39

28/1/15

7

C.F. 16.

DRAFT FOR APPROVAL.

Dec.-Def.

	Date.	Initials.
When received for fair copying ..		
When copied ..		pm
When examined ..		
When signed ..		
When despatched.		

SUBJECT:— Forests

Establishment - Sri B. Shiva Rao - late typist - D.F. Office Mangalore South - retention beyond the date of abolition of the post - orders passed

READ AGAIN G.O. 2108 Dev., dated 27-8-1938 (N) 19

" " " 19

READ *ALSO*:—

No. 9543 1/39 From the C.C.F. Ref., No. 7028/38 C2 dated 21-3-1939. pp 1 3/4

" " " 19

" " " 19

Order ~~Resolution~~ Ms. No. 1125, dated 1-5-1939.

(N)

In the circumstances reported by the C.C.F. sanction is accorded to the retention, till the afternoon of the 23rd January 1939, of the post of typist, ordered to be abolished, with effect from the 1st September 1938, in G.O. No. 2108 Dev. dt 27-8-1938.

2. It appears from the C.C.'s letter that notice of discharge was not also served, immediately on receipt of orders, on the other subordinates. ~~who should have been discharged~~. The C.C.F. is requested to report whether this is

2x

so and whether any subordinate was retained in service longer than the 30th November 1938.

The C.C.S. is also requested to obtain & submit the explanation of the officer responsible for failure to take immediate action to issue notice of discharge on the typist and the other subordinates concerned with reference to the orders in the G.O. referred to in para 1 above.

RL 28/4/39

27.4.39

Sgd 27-4-39

To the C.C.F.

.. A.G. Koo' Tsui (a.t.o) (Para 1 only)

Para 2 — call 1.6.39